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November 21, 2024

VIA ECF

Hon. Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Freeman et al. v. Giuliani, No. 24-mc-353 (LJL)

Dear Judge Liman:

Plaintiffs Ruby Freeman and Wandrea' Moss respectfully move pursuant to Local Rule 7.1(d), Paragraph 1(C) of the Court's Individual Rules and Practices, and Federal Rules of Civil Procedure 69 and 37,¹ for an order compelling Standard USA LLC ("Standard USA") to provide complete responses to the information subpoena served upon it.

Plaintiffs served their information subpoena via certified mail, return receipt requested, on Standard USA's registered agent and also at its principal address—Defendant Giuliani's Palm Beach Condo—on November 5, 2024. *See* Declaration of M. Annie-Houghton Larsen ("Houghton-Larsen Decl.") ¶¶ 3–5, Exhibit 1. The information subpoena was delivered to Standard USA's registered agent on November 8, 2024. Houghton-Larsen Decl. ¶ 6, Exhibit 2. *See also* Houghton-Larsen Decl. ¶ 7 Exhibit 3. Under CPLR § 5224, Standard USA was required to respond by November 15, 2024, absent an extension. Pursuant to an order of this Court, Standard USA was required to make any request for an extension "no later than November 12, 2024." ECF No. 100. No such request was made. The response deadline has also now passed, without any response from Standard USA.

On November 11, 2024, Plaintiffs agreed to consent to Defendant's requested extension for the Giuliani Entities respond to information subpoenas, in exchange for opposing counsel's assurances "that Defendant ensure that Standard USA LLC" would "respond fully and completely to the information subpoena served upon it by the statutory deadline to do so"—November 15, 2024. ECF No. 98. Plaintiffs' counsel made this arrangement with counsel for Defendant Giuliani because he holds an 88% ownership interest in Standard USA LLC and the remaining ownership is divided among his colleagues, Dr. Maria Ryan and Mr. Theodore "Ted" Goodman. ECF Nos. 91-2 at 5; 98.

¹ Unless otherwise indicated, all docket citations refer to the docket in No. 24-mc-353.

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On November 18, 2024, Plaintiffs' counsel wrote to Defendant's counsel at 6:28 PM and noted that Standard USA LLC never responded to the information subpoena. Houghton-Larsen Decl. ¶¶ 8–11, Exhibit 4. Plaintiffs' counsel asked for a response by noon on Thursday November 21, 2024. *Id.* Despite corresponding with Plaintiffs' counsel by email about other matters, Defendant's counsel did not respond to that email by the time of filing. *Id.* ¶¶ 10–11.

Standard USA's failure to respond to the information subpoena is the latest in a trend among subpoena targets associated with Defendant Giuliani. All three owners of Standard USA are subjects of respective Motions to Compel. ECF Nos. 69, 113. *See also Freeman et al v. Giuliani*, No. 24-cv-06563 (LJL), ECF No. 93. This Court ordered eight other companies owned by Defendant Giuliani to respond to information subpoenas served on each after these companies also failed to respond on time. ECF Nos. 69–71, 76–77, 100. Due to this pattern of obstruction, little information is known about Standard USA LLC. Defendant Giuliani established the company on August 30, 2024, alongside Dr. Ryan and Mr. Goodman. ECF Nos. 91-2 at 5; 98. As first reported on November 6, 2024, the purpose and activities of Standard USA LLC are a mystery. ECF No 91 at 5. Its owners have failed to provide information about its operations and assets—other than Defendant Giuliani's admission that Standard USA LLC transferred him \$50,000 on October 24, 2024. ECF No. 114-14 at 8.

Standard USA should be compelled to provide full and complete responses to the information subpoena. *See, e.g., Blue Citi LLC v. 5Barz Int'l Inc.*, No. 16-cv-9027 (VEC), 2019 WL 10890126, at *2 (S.D.N.Y. Feb. 6, 2019), *see also Huber v. Arck Credit Co., LLC*, No. 12-CV-8175 (JMF), 2016 WL 482955, at *2, *4 (S.D.N.Y. Feb. 5, 2016) Any objections Standard USA may have had have been waived, due to Standard USA failure to respond before November 15, 2024. *See, e.g., Lantern Endowment Partners, LP v Bluefin Servicing Ltd.*, 2023 NY Slip Op 31240(U), 2023 WL 2971397, at *1–3 (N.Y. Sup. Apr. 17, 2023).

Plaintiffs accordingly seek an order compelling Standard USA to provide full and complete responses to the information subpoena, as all objections Standard USA may have asserted are waived. The Court should enter an order compelling full and complete responses immediately.

Respectfully submitted,

s/ Aaron E. Nathan